

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

CITI-WIDE PREFERRED COURIERS, INC.,

Plaintiff and Appellant,

v.

GOLDEN EAGLE INSURANCE
CORPORATION,

Defendant and Respondent.

B160823

(Los Angeles County
Super. Ct. No. YC034539)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING

Our opinion, filed December 30, 2003, is modified as follows:

The language in footnote 1, on page 1 of the typed opinion, is deleted and replaced with the following:

In January 1997, the Insurance Commissioner initiated conservatorship proceedings against Golden Eagle Insurance Company, and a final order approving a rehabilitation plan was entered by the San Diego Superior Court in August of that year. On this appeal, the newly created entity, Golden Eagle Insurance Corporation, contends the relationship between the Company and the Corporation is one of agency rather than assignment, but the manner in which the trial court resolved Citi-Wide's claims makes it inappropriate

for us to consider this issue at this time. Accordingly, our references to "Golden Eagle" include both the Company and the Corporation, and we leave it to the trial court on remand to determine the extent of each entity's liability, if any.

This modification does not affect the judgment.

The petition for rehearing is denied.

VOGEL (Miriam A.), J.

SPENCER, P.J.

ORTEGA, J.